IV. Safety at Private Crossings

There are 110,000 private highway-rail crossings in the United States. More than 400 accidents and 40 deaths occur at these crossings every year. In most years, the number of deaths which occur at private crossings exceeds the number of on-duty deaths among railroad employees in all rail operations.

Private crossings are categorized as either farm, residential, recreational or industrial. Nearly two-thirds are farm crossings. However, most accidents occur at industrial crossings.

Type Private Crossing	Crossings	1993 Accidents	Accident Rate	Killed	Injured
Farm	66,725	142	.002128	23	32
Residential	12,876	74	.005747	13	21
Recreational	1,649	11	.006671	0	3
Industrial	25,703	157	.006108	10	23
Unknown	2,928	19	n.a.	1	6

FRA has traditionally taken the position that private crossing matters should be settled by the private parties involved. However, from a safety perspective, this approach has proven inadequate. A few states, including Alaska and California, have also reached this conclusion and have acted to standardize responsibilities and treatments for private crossings. Despite this, the overall national result is that responsibilities are most often undefined or are inconsistently acknowledged and applied.

Similarly, traffic control or traffic warning standards have been defined in only a few instances and are not consistently applied. The FHWA lacks jurisdiction, as do most state and local highway departments. FHWA has endorsed the concept of applying MUTCD warning device standards to private highway-rail crossings, but lacks the jurisdiction to follow through.

Responsibilities and standards need to be developed and defined.

Private crossings on high speed rail lines present a special problem. And yet, most private crossings on high speed rail lines will require either safety enhancements or elimination before high speed service can be initiated. Traditional sources of public funding for safety improvements are limited to public crossings. However, attention is beginning to be directed to private crossings on designated high speed corridors. Section 1010 of ISTEA authorizes $30 million for the elimination of grade crossing hazards at public and private crossings on the five Section 1010 corridors. Oregon has recently enacted legislation to give

the state jurisdiction over private crossings on high speed rail lines. Eligible improvements under the proposed high speed rail legislation include private crossings (including payments to property owners to close such crossings where appropriate). Private crossings will be considered in the incentive/award program for state participation in corridor review programs proposed above.

There is a need to either identify a different or new source of funding, or to make private crossings (at least those on DOT designated high speed rail corridors) eligible for funding from the traditional sources. Further, there is a need to establish "condemnation" and "buy out" authority, of private crossings, at least those on DOT designated high speed rail lines. The proposed high speed rail legislation, when enacted, will address both of these needs.

The Department proposes to develop and provide national, minimum safety standards for private crossings and to eliminate the potential impediment to high speed rail operations posed by private crossings. The following actions are proposed:

A. Define Categories

Operational definitions will be developed for each of the four categories. Sub-categories may also be defined (e.g., industrial/commercial crossings open to public use; farm crossings on high speed corridors; recreational crossings in public parks; etc.), and a general approach and schedule will be developed for addressing each. As appropriate, minimum safety requirements, warning device standards and responsibilities will be defined beginning with the category(ies) with the most severe problems, i.e., probably with Private Industrial Crossings.

B. Safety Inquiry

FRA will hold an informal safety inquiry to further review the concept of defining minimum safety standards for private crossings, or for certain categories of private crossings, up to and including standards for closure and consolidation under certain conditions. The inquiry will address the allocation of responsibilities and costs associated with private crossings and the need for dispute resolution mechanisms regarding that allocation. (See also Safety Inquiry in Sections on Data and Research (the Inventory) and Enforcement.)

C. Locked Gate at Private Crossings

The feasibility of placing gates with remotely activated cipher locks at private crossings will be investigated and possibly demonstrated. In this scenario, the gate would normally be closed and locked. A potential user would call the railroad dispatcher, possibly from a special call box at the crossing. When a window of opportunity occurs, the dispatcher would enable the requestor to unlock and open the gate. The gate would be interlocked with the railroad's signal system.